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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Poynter

Serial No.: 09/847,755

Filed: May 2, 2001

For: METHODS AND APPARATUS FOR DESIGN OF DOT MATRIX VISUAL DISPLAYS

Group: 2123

Examiner: Stevens, Thomas H.

Durham, North Carolina
February 1, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

Sirs:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. 571-273-8300 on the date set forth below

1. Appellant's Reply Brief (4 pages)

Marianna Tortorelli
Printed name of person signing

Marianna Tortorelli
Signature

Date: February 1, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	:	Poynter
For:	:	METHODS AND APPARATUS FOR DESIGN OF DOT MATRIX VISUAL DISPLAYS
Serial No.	:	09/847,755
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MAIL STOP APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<u>APPELLANT'S REPLY BRIEF</u>

Sir:

The present reply brief responds to a single point raised by the Examiner's Answer which

highlights that Answer's failure to properly consider the claims as a whole as mandated by the

Patent Statute. As discussed below, the Examiner's Answer suggests that the term

"contemplated display" as used for convenience in Appellant's Brief is not found in the claims

while failing to give meaning to other claim language such as "operating display to be emulated"

of claim 1 when interpreting the claims. See Appellant's Brief, p. 3, lines 5 and 12, p. 8, lines

12, 15, and 23, p. 9, line 4, and p. 10, line 1.

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Misreading of Claim 1

In response to the Appellant's argument that neither reference has anything to do with evaluating a contemplated or emulated display, the Examiner's Answer at page 12, lines 4-8 states "The examiner refutes this issue since no such limitation within claim 1 of a 'contemplated display' exists (Appeal brief: pg. 9, 3rd paragraph)." Although the exact wording "contemplated display" may not appear in the claims, the Examiner fails to properly interpret the language of claim 1 which clearly addresses an advantageous tool for evaluating a contemplated display which is emulated for purposes of evaluation as claimed by claim 1.

Claim 1 addresses a dot matrix display **design tool** and specifically recites "the display designer further comprising an operating characteristics interface for receiving operating characteristics entries specifying operating characteristics of <u>an operating display to be emulated,</u> the display designer further including a display emulator presenting <u>a representation of the</u> <u>operating display, the representation of the operating display</u> presenting the text input in a format reflecting the selected character set and exhibiting the operating characteristics specified by the operating characteristics entries, the display designer further including a set of editing tools to allow modification of the display in response to selections made by a user, the editing tools supporting modification of the character set and <u>the operating characteristics of the display.</u>" (emphasis added).

Referring to Fig. 6 of the present specification, for example, an operating characteristics interface includes editing tools for changing the appearance of an operating display 601. The editing tools for changing the appearance of the operating display include a contrast editor 614, a pixel height to width ratio editor 616, an inter-pixel row spacing editor 618, an inter-pixel
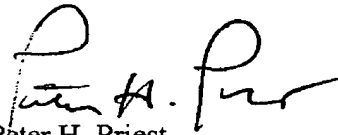
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column spacing editor 620, and an inter-character spacing editor 622, inter-word spacing 624, a scroll frequency 630, and the like. With the operating characteristics interface as claimed, a designer may advantageously evaluate an operating display to be emulated or, in other words, a contemplated display. For example, a designer may specify values for operating characteristics such as inter-pixel column spacing, inter-pixel column spacing, and inter-character spacing which correspond to the operating characteristics of a particular display the designer is considering for a particular design application. The designer would then input exemplary text like "Buy one can of soup, get a second for free" into text box 604. The operating display 601 would then display that text according to the specified value of operating characteristics allowing the designer to evaluate an emulated display for a product such as an electronic price label manufactured to contain such set of operating characteristics. Unlike the font editors of NEC and Dowling, the present invention claims a design tool for evaluating the appearance of a contemplated display and does not claim the display itself.

Although Dowling and NEC address creation of character patterns or fonts, Dowling and NEC, taken seperately or in combination, do not teach and do not suggest "an operating characteristics interface for receiving operating characteristics entries specifying operating characteristics of an operating display to be emulated, the display designer further including a display emulator presenting a representation of the operating display," as claimed in claim 1. As discussed in the Appellant's brief, Dowling merely addresses a threshold value for a font variable which is set by a font designer to determine whether to modify a characteristic of a character whose value exceeds the threshold differently than the same character whose value does not. NEC merely addresses a character pattern editor for creating a character set and programming a PROM to contain the character set.

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Conclusion

Semantics aside, the differences between the claims and the relied upon art are stark, and

the present claims should be promptly allowed.

Respectfully submitted,

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